



U.S. Department
of Homeland Security

United States Coast Guard



LOCAL NOTICE TO MARINERS

MAY WEEKLY SUPPLEMENT

NOTICE NUMBER 21/03
27 May 2003

NIS watchstander, 24 hours a day at (703) 313-5900

**** INTERNET ADDRESS ****
<http://www.navcen.uscg.gov/lnm/d14/>

ISSUED BY: Commander, Fourteenth Coast Guard District (oma)
PJKK Federal Building, Room 9-236
300 Ala Moana Boulevard
Honolulu, HI 96850-4982
Telephone: (808) 541-2316 Nights: (808) 541-2500 Fax: (808) 541-2309
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Navigation information having been of immediate concern to the Mariner, and promulgated by the following broadcasts, has been incorporated in this notice when still significant:

- ⇒ CCGD14 (D14) BNMs: 151-03 to 154-03
- ⇒ COGARD MARIANAS SECTION (MARSEC) BNMs: 114-03 to 117-03

NOTES:

- (1) Unless otherwise indicated, missing and destroyed structures are presumed to be in the immediate vicinity. Mariners should proceed with caution.
- (2) The Local Notice to Mariners is published in its entirety once a month. The Monthly Edition should be retained as a reference for subsequently issued Weekly Supplements. The Weekly Supplements will be published in intervening weeks and will contain only new information with the exception of DISCREPANCIES-DISCREPANCIES CORRECTED section that is an accurate list maintained each week.

REFERENCES: Light List, Vol. VI, Pacific Coast and Pacific Islands, 2003 Edition (COMDTPUB P16502.6).
U.S. Coast Pilot 7, Pacific Coast: California, Oregon, Washington, and Hawaii (34th Edition).

REPORT DEFECTS IN AIDS TO NAVIGATION TO THE NEAREST COAST GUARD UNIT

I. SPECIAL NOTICES

LOCAL NOTICE TO MARINERS ON THE INTERNET

The Fourteenth District Local Notice to Mariners (LNM) is available on the World Wide Web at <http://www.navcen.uscg.gov/lnm/d14/>. Customers with Internet access are encouraged to take advantage of this service. The Internet delivers faster information, gives multiple copy customers the ability to print needed amounts, and provides access to archived LNM information as far back as 1995. In addition, the LNM is available via e-mail. To be added to the e-mail mailing list, send your request to cbearden@d14.uscg.mil. IF YOU ARE CURRENTLY RECEIVING THE LNM IN THE MAIL, AND ARE ALSO ACCESSING THE LNM VIA THE INTERNET, PLEASE CANCEL YOUR SUBSCRIPTION SO WE CAN REMOVE YOU FROM OUR MAILING LIST.

DEPARTMENT OF HOMELAND SECURITY-REPORTS OF SUSPICIOUS ACTIVITIES

The Department of Homeland Security (DHS) encourages the maritime public to report information concerning suspicious activity to their local Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF) office, <http://www.fbi.gov/contact/fo/fo.htm>, or to other appropriate authorities. Individuals can contact the DHS watch and warning unit at (202) 323-3205, toll free at 1-888-585-9078, or by e-mail to nipc.watch@fbi.gov. The U.S. Coast Guard reminds the maritime industry that they may also report information concerning suspicious activity to the National Response Center (NRC) at 1-800-424-8802.

HI ISLANDS – HAWAII – NEW DGPS SITE

The Coast Guard has established a DGPS Broadcast site at Pahoia, HI. Site Name: Pahoia, HI, Location: 19 32.0N, 154 58.0W, Frequency: 290khz, Baud Rate: 100bps, Broadcast Site ID: 877, Reference Station Aid: 254, Reference Station Bid: 255, Anticipated Coverage: 250km radius around Pahoia. More information on the site is available at the Coast Guard website www.navcen.uscg.gov. Users may direct queries to the Commanding Officer, Coast Guard navigation center, 7323 Telegraph Rd, Alexandria, VA 22315 or by calling 703-313-5900.

HI ISLANDS – KAHOO LAWE – ORDNANCE DETONATIONS

Planned ordnance detonations will be conducted around the island of Kahoolawe in an area bound by the following coordinates: 20-37-30N 156-32-48W, 20-34-48N 156-30-24W, 20-28-54N 156-30-24W, 20-28-06N 156-41-48W, 20-30-30N 156-44-12W, 20-33-12N 156-44-30W, 20-37-30N 156-36-24W, thence to the point of origin, effective 0800W-1700W on the following dates: 26-31 MAY 03, 02-07 JUNE 03, 09-14 JUNE 03, 16-21 JUNE 03, 23-28 JUNE 03, 30 JUNE – 05 JULY 03. In the interest of safety, all vessels are requested to remain clear of the area.

HI ISLANDS – KAUAI – NAWILIWILI HARBOR

Nawiliwili Harbor Buoy 2 (LLNR 29780) has been temporarily replaced with an unlighted foam buoy. Mariners are advised to use caution when transiting the area.

MARIANA ISLANDS – GUAM – SHARKS PIT - AGAT

The United States Coast Guard has received a report of a submerged 23-foot white Bayliner boat. IVO position 13-24.904N, 144-38.61E, Sharks Pit Agat. All Mariners are advised to exercise extreme caution while transiting the area.

II. DISCREPANCIES - DISCREPANCIES CORRECTED

Abbreviations normally used in the Local Notice to Mariners

BNM – Broadcast Notice to Mariners	TRLB – Temporarily Replaced by Lighted Buoy
LNM - Local Notice to Mariners	TRUB – Temporarily Replaced by Unlighted Buoy
IMPCHA- Improper Characteristics	TLB – Temporary Lighted Buoy
TUB – Temporary Unlighted Buoy	TDBN – Temporary Daybeacon
TLT – Temporary Light	INOP – Inoperative
REDINT – Reduced Intensity	

DISCREPANCIES: Federal Aids:

Shaded text denotes new discrepancy since last LNM.

LLNR	Name of Aid	Status	Chart Affected (Largest Scale)	BNM Reference	LNM Reference
28008	NOAA Data Buoy 51001	MISSING	19016	012-03	02/03
28130	Cape Kumukahi Light	IMPCHA	19320	096-03	10/03
28460	Lahaina Light	MISLEADING SIGNAL	19348	141 – 03	19/03
29175	Honolulu Harbor Entrance Lighted Buoy H	STROBE INOPERABLE	19367	142 – 03	19/03
	Rota CG Mooring Buoy	MISSING	81063	051-02	51/02

DISCREPANCIES: Private Aids:

LLNR	Name of Aid	Status	Chart Affected (Largest Scale)	BNM Reference	LNM Reference
28225	Puako Small Boat Harbor Buoy 1	MISLEADING SIGNAL	19330	094-03	10/03
28230	Puako Small Boat Harbor Buoy 2	MISLEADING SIGNAL	19330	094-03	10/03
28235	Puako Small Boat Harbor Buoy 3	MISLEADING SIGNAL	19330	094-03	10/03
28240	Puako Small Boat Harbor Buoy 4	MISSING	19330	093-03	10/03
28245	Puako Small Boat Harbor Buoy 5	MISLEADING SIGNAL	19330	094-03	10/03
28250	Puako Small Boat Harbor Buoy 6	MISLEADING SIGNAL	19330	094-03	10/03
28255	Puako Small Boat Harbor Buoy 7	MISSING	19330	093-03	10/03
28260	Puako Small Boat Harbor Buoy 8	MISSING	19330	093-03	10/03
28265	Puako Small Boat Harbor Buoy 9	MISLEADING SIGNAL	19330	094-03	10/03
29110	Ala Wai Boat Harbor Channel Daybeacon 3	TRUB	19369	103-02	33/03
29110	Ala Wai Boat Harbor Channel Daybeacon 3	TRUB REPORTED MISSING	19369	229-02	48/02

II. DISCREPANCIES - DISCREPANCIES CORRECTED (Cont.)

DISCREPANCIES: Private Aids:

LLNR	Name of Aid	Status	Chart Affected (Largest Scale)	BNM Reference	LNM Reference
29115	Ala Wai Boat Harbor Channel Daybeacon 4	TRUB	19369		10/01
29670	Pokai Bay Breakwater Light 2	REDINT	19357		39/02
30811.3	Agat Small Boat Harbor Light 3	DESTROYED	81048	084-02	28/02
30811.6	Agat Small Boat Harbor Daybeacon 6	DESTROYED	81048	084-02	28/02
30811.8	Agat Small Boat Harbor Daybeacon 8	DESTROYED	81048	084-02	28/02
30811.9	Agat Small Boat Harbor Daybeacon 9	DESTROYED	81048	084-02	28/02

DISCREPANCIES: FAD Buoys:

Name of FAD	Assigned Location	Assigned Position	Status	Chart Affected (Largest Scale)	LNM Reference
G	Pepeekeo - Hawaii	19-50-42N 154-53-18W	REPORTED MISSING	19320	03/03
BO	Barbers Point - Oahu	21-09-00N 158-09-06W	REPORTED MISSING	19357	06/03
CC	Kaena Point - Lanai	20-51-00N 157-08-30W	REPORTED ADRIFT	19351	04/03
FF	Pukaulua Point - Maui	20-50-12N 155-43-54W	REPORTED MISSING	19340	20/03
JJ	Kamohio - Kahoolawe	20-24-12N 156-38-00W	REPORTED ADRIFT	19340	06/03
LA	Lahaina - Maui	20-41-00N 156-42-30W	REPORTED ADRIFT	19347	13/03
QQ	Makuu - Hawaii	19-39-12N 154-53-30W	REPORTED MISSING	19320	06/03

DISCREPANCIES CORRECTED: Federal Aids:

LLNR	Name of Aid	Status	Chart Affected (Largest Scale)	BNM Reference	LNM Reference
30890	Tanapag Harbor Channel Buoy 4	OFF STATION	81076	110 - 03	20/03
30895	Tanapag Harbor Channel Buoy 5	OFF STATION	81076	111 - 03	20/03
30905	Tanapag Harbor Channel Lighted Buoy 7	OFF STATION	81076	112 - 03	20/03

DISCREPANCIES CORRECTED: Private Aids: (None)

DISCREPANCIES CORRECTED: FAD Buoys: (None)

III. TEMPORARY CHANGES - TEMPORARY CHANGES CORRECTED (None)

IV. CHART CORRECTIONS

AD YR Astronomic Datum (Year)

BABSAD BAB South Astro Datum

LD Local Datum

WGS YR World Geodetic System (Year)

NAD YR North American Datum (Year)

OHD Old Hawaiian Datum

GUAM YR Guam Datum (Togcha)

Corrective action effecting charts is contained in this section. Chart Corrections are listed numerically by chart number beginning with the lowest and progressing through all charts affected. The correction listed pertains to that chart only. *It is up to the mariner to decide which charts are to be corrected.* The following example explains the individual elements of a typical correction.

Chart Number	Chart Edition	Edition Date	Last Local Notice to Mariners	Horizontal Datum Reference	Source of Correction	Current Local Notice to Mariners
↓	↓	↓	↓	↓	↓	↓
19320	16Ed.	12/14/1996	LAST LNM 50/00	WGS 84	(CCGD 14)	24/02
ISLAND OF HAWAII						
↑	↑					
Change	Coconut Point Directional Light to:	F G 38ft 10M			at	19-43-36.8 N 155-05-10.2 W
↑	↑					↑
Corrective Action	Object of Corrective Action				Position	(Degrees, minutes, seconds and tenths)

A chart correction followed by:

(Temp) indicates that it is temporary in nature.

P indicates that it is preliminary, and that permanent corrective action will appear in a future Local Notice to Mariners.

The letter M immediately following the chart number indicates that the correction should be applied to the metric side of the chart only.

The letter N preceding the current Local Notice to Mariners number indicates that the affected chart is on Limited Distribution and is normally only for use by U.S. Navy, government-owned or government chartered vessels.

Courses and bearings are given in degrees clockwise from 000° T. Bearings of light sectors are toward the light from seaward. The nominal range of lights is expressed in nautical miles.

81048	8Ed.	02/27/93	LAST LNM 19/03	WGS 84	(CCGD 14)	21/03
MARIANA ISLANDS - ISLAND OF GUAM						
Relocate	Agat Harbor Entrance Lighted Buoy AG			to	13-22-03.7 N	144-38-30.7 E
Relocate	Agat Small Boat Harbor Entrance Lighted Buoy 1			to	13-21-57.8 N	144-38-39.3 E

V. NEW ADVANCE NOTICE OF CHANGES IN AIDS TO NAVIGATION (None)

VI. NEW PROPOSED CHANGES IN AIDS TO NAVIGATION

LLNR	Name of Aid	Proposed Action	Charts Affected
29175	Honolulu Harbor Entrance Lighted Buoy H	The Coast Guard is considering discontinuing the strobe light on Honolulu Harbor Entrance Lighted Buoy H. Comments or questions may be directed to the Coast Guard at (808) 541- 2316.	19367, 19357, 19369, 19340

VII. GENERAL

CHANGES TO AIDS TO NAVIGATION – OAHU – KANEOHE BAY

Periodically the Coast Guard evaluates the system of Aids to Navigation to determine whether the conditions for which the aids to navigation were established have changed. When changes occur the feasibility of improving, relocating, replacing, or discontinuing the aids is considered. Commanding Officer, USCGC KUKUI is soliciting comments concerning aids to navigation in Kaneohe Bay, Oahu. All comments concerning the adequacy of aids to navigation or suggestions for improving the existing aids to navigation should be submitted by 30 June 2003 for Kaneohe Bay. Point of contact follows:

Kaneohe Bay
Submit comments to:
Commanding Officer
USCGC KUKUI (WLB-203)
400 Sand Island Parkway
Honolulu, Hawaii 96819-4398
Attn: ENS Buffington
(808) 541-2420
(808) 541-2421 fax
ABuffington@cgckukui.uscg.mil

Please include the following information in your comments:

- (a) Size and type of vessel involved.
- (b) Frequency of transit in and out by day and night.
- (c) A chart section or sketch showing the action proposed to clearly describe any recommended improvements.

OAHU – KANEOHE BAY – MARINE CORPS BASE HAWAII – ULUPAU CRATER WEAPONS RANGE SCHEDULE

Whenever tactical weapons firing is scheduled and in progress during daylight hours, a single large red rectangular warning flag will be flown at the two separate locations on the shore. Whenever any weapons firing is scheduled an in progress during hours of darkness, flashing red warning beacons will be displayed on the shore at Ulupau Crater. Boaters will have complete access to the danger zone whenever there is no weapons firing scheduled, which will be indicated by the absence of any warning flags, pennants, or beacons displayed ashore.

The danger zone is not considered safe for boaters whenever hazardous weapons firing is in progress. Boaters shall expeditiously vacate the danger zone at best speed and by the most direct route. Passage of vessels through the danger zone when hazardous weapons firing is in progress will be permitted, but boaters shall proceed directly through the area at best speed. Whenever a boater disregards the publicized warning signals that hazardous weapons firing is scheduled, the boater will be personally requested to expeditiously vacate the danger zone by MCAS Kaneohe Bay military personnel utilizing a bull-horn from either a Marine helicopter or Navy crash boat.

(All times are local)

	SUN.	MON.	TUE.	WED.	THURS.	FRI.	SAT.
25 – 31 May 2003	No firing	No firing	0800 – 1630	No firing	No firing	No firing	No firing
01 – 07 June 2003	No firing	No firing	No firing	No firing	No firing	0700 - 1300	No firing
08 – 14 June 2003	No firing	0700 - 1600	0700 - 1600	0700 - 1630	0600 - 2200	0600 - 2200	No firing
15 – 21 June 2003	No firing	0700 - 2100	0700 - 1600	0700 - 2200	0700 - 1600	0700 - 1300	No firing

This is the tentative schedule for all firing that is to take place aboard Marine Corps Base Hawaii Rifle Training Facility during the above-mentioned dates. Times and dates are subject to change without notice. Point of contact is the Marine Corps Base Kaneohe G-3 Training Office at (808) 257-8817/8816/8890.

VII. GENERAL (Cont.)

MARINE EVENTS:

The following marine events are of interest to mariners. All mariners are cautioned that event areas warrant prudent seamanship and that all Federal, State and Local regulations apply.

Sponsors and organizers frequently set up event areas prior to the actual activity. Additionally, post event clean-ups may be required. Mariners are urged to exercise caution in and around event areas prior to and after the published event times.

Event and Location	Date	Activity	Sponsor
NAVIGATING CHANGE HOKULE'A STATEWIDE SAIL Ocean Water around Oahu	03 – 31 May 2003 8:00AM – 8:00PM	Canoe Tours	Polynesian Voyaging Society
JOHN M. LAKE REGATTA Kahului Harbor, Maui	31 May 2003 7:00AM – 6:00PM	Canoe Race	Maui County Hawaiian Canoe Association
MARY JANE KAHANAMOKU ASSOCIATION Keauhou Bay, Hawaii	31 May 2003 8:30AM – 1:00PM	Canoe Race	Moku O Hawaii Canoe Racing Association
HALEIWA SPRINT Alii Beach Park, Oahu	31 May 2003 2:00PM – 3:00PM	Paddle Board Race	Northshore Lifeguard Association
HILO TROLLERS FISHING TOURNAMENT East HI Ocean Waters, Hawaii	01 June 2003 5:00AM – 7:00PM	Fishing Tournament	Hilo Trollers
MANU O KE KAI CANOE CLUB Haleiwa Beach, Oahu	01 June 2003 6:00AM – 4:00PM	Canoe Race	Na 'Ohana O Na Hui Waa Association
CLEMENT PAIAINA REGATTA Keehi Lagoon, Oahu	01 June 2003 6:00AM – 6:00PM	Canoe Race	Oahu Hawaiian Canoe Racing Association
ROYAL COSMETICS FIREWORKS DISPLAY Platform Positioned 2000' Offshore in front of the Royal Hawaiian Hotel, Oahu	04 June 2003 10:00AM – 11:00PM	Fireworks	Hawaii Explosives & Pyrotechnics, Inc.
HYC FRIDAY NIGHT RACE Ala Wai Harbor – Mamala Bay, Oahu	06 June 2003 5:00PM – 8:00PM	Sailboat Race	Hawaii Yacht Club
WILMINGTON REGATTA Kahului Harbor, Maui	06 June 2003 7:00AM – 6:00PM	Canoe Race	Maui County Hawaiian Canoe Association
WYC KING KAMEHAMEHA REGATTA Mamala Bay, Oahu	07 June 2003 12:00PM – 4:00PM	Sailboat Race	Waikiki Yacht Club
KING KAMEHAMEHA REGATTA Kailua Beach Park Ocean Waters, Oahu	08 June 2003 6:00AM – 6:00PM	Canoe Race	Oahu Hawaiian Canoe Racing Association
LOKAHI CANOE CLUB Keehi Lagoon, Oahu	08 June 2003 6:00AM – 6:30PM	Canoe Race	Na 'Ohana O Na Hui Waa Association
AHI FEVER FISHING TOURNAMENT Oahu Ocean Waters. Starting/Ending Waianae Boat Harbor, Oahu	14 – 15 June 2003 6:00AM – 8:00PM	Fishing Tournament	Waianae Boat Fishing Club

144 CORRECTIONS TO LIGHT LIST VOLUME VI: PACIFIC COAST AND PACIFIC ISLANDS 2003

(1) Number	(2) Name and Location	(3) Position	(4) Characteristic	(5) Height	(6) Range	(7) Structure	(8) Remarks	LNM
30811	<i>Agat Harbor Entrance</i> <i>Lighted Buoy AG</i>	13 22 04 N 144 38 31 E	Mo (A) W		4	Red and white stripes with red spherical topmark.		21/03
*								

IX. ADDITIONAL ENCLOSURES

Enclosure (1) U.S. Coast Pilot 7, Pacific Coast: California, Oregon, Washington, and Hawaii, 2002 (34th) Edition, Change No. 20
Enclosure (2) U.S. Coast Pilot 7, Pacific Coast: California, Oregon, Washington, and Hawaii, 2002 (34th) Edition, Change No. 21

END OF CCGD 14 LOCAL NOTICE TO MARINERS NO. 21/03

R. D. UTLEY
Rear Admiral, U. S. Coast Guard
Commander, Fourteenth Coast Guard District

Publication-National Ocean Service-U.S. Coast Pilot 7, Pacific Coast: California, Oregon, Washington, and Hawaii, 2002 (34th) Edition. Change No. 20.

Coast Pilot 7 34th 2002

Corrections

Page 219-Paragraph 150, lines 11-12;
read:

Landing. Shelter from NW winds is
afforded at Santa Cruz Anchorage and
Soquel Cove, off the N shore of the
bay, and from SW ...

(CL 751/03)

Page 219-Paragraph 151, line 4; read:
in the S and Santa Cruz Anchorage in
the N, fog reduces visibility to ...

(CL 751/03)

Page 222-Paragraph 189, line 2; read:
Santa Cruz Anchorage. Fair shelter is
afforded in NW weather, but ...

(CL 751/03)

Page 222-Paragraph 195, line 1; read:
Santa Cruz Anchorage, on the NW
shore of Monterey Bay ...

(CL 751/03)

Page 222-Paragraph 198, line 2; read:
for Santa Cruz Anchorage (Santa Cruz
Harbor) are described in **80.1138**,
chapter 2.

(CL 751/03; 33 CFR 80.1138)

Page 222-Paragraph 201, line 2; read:
the pier in 5 fathoms, sand bottom.
Santa Cruz Anchorage provides ...

(CL 751/03)

Page 308-Paragraph 124, lines 5-7;
read:

the N by the main channel buoys.

(LL/03; NOS 18521)

Page 475-Paragraph 239 through
Paragraph 244: Delete.

(CL 609/03)

Page 477-Paragraphs 403 through
Paragraph 405, read:

NOJ, Kodiak, AK, U.S. Coast Guard,
and

KLB, Seattle, WA, Mobile Marine
Radio, Inc.

(CL 609/03; PUB 117A/03)

Publication-National Ocean Service-U.S. Coast Pilot 7, Pacific Coast: California, Oregon, Washington, and Hawaii, 2002 (34th) Edition. Change No. 21.

Coast Pilot 7 34th 2002

Corrections

Page 30-Paragraph 676, lines 1-2; read:

Compliance with the Federal Water Pollution Control Act or Clean Water Act.

The Federal Water Pollution Control Act (FWPCA) or Clean Water Act (CWA) was passed to restore and maintain the chemical, physical and biological integrity of our nation's waters.

No-Discharge Zones.—Section 312 of the FWPCA, entitled "Marine Sanitation Devices" (see **40 CFR 140** in Chapter 2), gives the Environmental Protection Agency (EPA) and States the authority to designate certain areas as No-Discharge Zones (NDZ) for vessel sewage. Freshwater lakes, freshwater reservoirs, or other freshwater impoundments whose entrances and exits prohibit traffic by regulated vessels (vessels with installed toilets) are, by regulation, NDZs. Rivers that do not support interstate navigation vessel traffic are also NDZs by regulation. Water bodies that can be designated as NDZs by States and EPA include: the Great Lakes and their connecting waterways, freshwater lakes and impoundments accessible through locks, and other flowing waters that support interstate navigation by vessels subject to regulation.

Inside No-Discharge Zone waters, discharge of any sewage, whether treated or untreated, is completely prohibited.

Discharge of sewage in waters not designated under **40 CFR 140** as No-Discharge Zones is regulated by the Marine Sanitation Device Standard (see **40 CFR 140** in Chapter 2.)

Oil Pollution.—The FWPCA also prohibits ...

(CL 139/02; 40 CFR 140)

Page 168-Paragraph 4347, line 8; read:
Test Range during testing phases.

TITLE 40-PROTECTION OF ENVIRONMENT

Part 140-Marine Sanitation Device Standard

§140.1 Definitions.

For the purpose of these standards the following definitions shall apply:

(a) *Sewage* means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(b) *Discharge* includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(c) *Marine sanitation device* includes any equipment for installation onboard a vessel and which is designed to receive, retain, treat, or discharge sewage and any process to treat such sewage;

(d) *Vessel* includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on waters of the United States;

(e) *New vessel* refers to any vessel on which construction was initiated on or after January 30, 1975;

(f) *Existing vessel* refers to any vessel on which construction was initiated before January 30, 1975;

(g) *Fecal coliform bacteria* are those organisms associated with the intestines of warm-blooded animals that are commonly used to indicate the presence of fecal material and the potential presence of organisms capable of causing human disease.

§140.2 Scope of standard.

The standard adopted herein applies only to vessels on which a marine sanitation device has been installed. The standard does not require the installation of a marine sanitation device on any vessel that is

not so equipped. The standard applies to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

§140.3 Standard.

(a) (1) In freshwater lakes, freshwater reservoirs or other freshwater impoundments whose inlets or outlets are such as to prevent the ingress or egress by vessel traffic subject to this regulation, or in rivers not capable of navigation by interstate vessel traffic subject to this regulation, marine sanitation devices certified by the U.S. Coast Guard (see 33 CFR part 159, published in 40 FR 4622, January 30, 1975), installed on all vessels shall be designed and operated to prevent the overboard discharge of sewage, treated or untreated, or of any waste derived from sewage. This shall not be construed to prohibit the carriage of Coast Guard-certified flow-through treatment devices which have been secured so as to prevent such discharges.

(2) In all other waters, Coast Guard-certified marine sanitation devices installed on all vessels shall be designed and operated to either retain, dispose of, or discharge sewage. If the device has a discharge, subject to paragraph (d) of this section, the effluent shall not have a fecal coliform bacterial count of greater than 1,000 per 100 milliliters nor visible floating solids. Waters where a Coast Guard-certified marine sanitation device permitting discharge is allowed include coastal waters and estuaries, the Great Lakes and inter-connected waterways, fresh-water lakes and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation.

(b) This standard shall become effective on January 30, 1977 for new vessels and on January 30, 1980 for

existing vessels (or, in the case of vessels owned and operated by the Department of Defense, two years and five years, for new and existing vessels, respectively, after promulgation of implementing regulations

by the Secretary of Defense under section 312(d) of the Act).

(c) Any vessel which is equipped as of the date of promulgation of this regulation with a Coast Guard-certified flow-through marine sanitation device meeting the requirements of paragraph (a)(2) of this section, shall not be required to comply with the provisions designed to prevent the overboard discharge of sewage, treated or untreated, in paragraph (a)(1) of this section, for the operable life of that device.

(d) After January 30, 1980, subject to paragraphs (e) and (f) of this section, marine sanitation devices on all vessels on waters that are not subject to a prohibition of the overboard discharge of sewage, treated or untreated, as specified in paragraph (a)(1) of this section, shall be designed and operated to either retain, dispose of, or discharge sewage, and shall be certified by the U.S. Coast Guard. If the device has a discharge, the effluent shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters, nor suspended solids greater than 150 mg/l.

(e) Any existing vessel on waters not subject to a prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and which is equipped with a certified device on or before January 30, 1978, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(f) Any new vessel on waters not subject to the prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and on which construction is initiated before January 31, 1980, which is

equipped with a marine sanitation device before January 31, 1980, certified under paragraph (a) (2) of this section, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(g) The degrees of treatment described in paragraphs (a) and (d) of this section are "appropriate standards" for purposes of Coast Guard and Department of Defense certification pursuant to section 312(g) (2) of the Act.

§140.4 Complete prohibition.

(a) Prohibition pursuant to CWA section 312(f) (3): a State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into some or all of the waters within such State by making a written application to the Administrator, Environmental Protection Agency, and by receiving the Administrator's affirmative determination pursuant to section 312(f) (3) of the Act. [...]

(b) Prohibition pursuant to CWA section 312(f) (4) (A): a State may make a written application to the Administrator, Environmental Protection Agency, under section 312(f) (4) (A) of the Act, for the issuance of a regulation completely prohibiting discharge from a vessel of any sewage, whether treated or not, into particular waters of the United States or specified portions thereof, which waters are located within the boundaries of such State. Such application shall specify with particularity the waters, or portions thereof, for which a complete prohibition is desired. The application shall include identification of water recreational areas, drinking water intakes, aquatic sanctuaries, identifiable fish-spawning and nursery areas, and areas of intensive boating activities. If, on the basis of the State's application and any other information available to him, the

Administrator is unable to make a finding that the waters listed in the application require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that the waters listed in the application require a complete prohibition of any discharge in all or any part of the waters or portions thereof covered by the State's application, he shall publish notice of such findings together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that applicable water quality standards require a complete prohibition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application. [...]

(ii) Waters of the State of Florida within the boundaries of the Florida Keys National Marine Sanctuary as delineated on a map of the Sanctuary at <http://www.fknms.nos.noaa.gov/>.

(c) (1) Prohibition pursuant to CWA section 312(f) (4) (B): A State may make written application to the Administrator of the Environmental Protection Agency under section 312(f) (4) (B) of the Act for the issuance of a regulation establishing a drinking water intake no discharge zone which completely prohibits discharge from a vessel of any sewage, whether treated or untreated, into that zone in particular waters, or portions thereof, within such State. Such application shall:

(i) Identify and describe exactly and in detail the location of the drinking water supply intake(s) and the community served by the intake(s), including average and maximum expected amounts of inflow;

(ii) Specify and describe exactly and in detail, the waters, or portions thereof, for which a complete prohibition is desired, and where appropriate, average, maximum and low flows in million gallons per day (MGD) or the metric equivalent;

(iii) Include a map, either a USGS topographic quadrant map or a NOAA nautical chart, as applicable, clearly marking by latitude and longitude the waters or portions thereof to be designated a drinking water intake zone; and

(iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(2) If the Administrator finds that a complete prohibition is appropriate under this paragraph, he or she shall publish notice of such finding together with a notice of proposed rulemaking, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that a complete prohibition covering a more restricted or more expanded area than that applied for by the State is appropriate, he or she shall also include a statement of the reasons why the finding differs in scope from that requested in the State's application.

(3) If the Administrator finds that a complete prohibition is inappropriate under this paragraph, he or she shall deny the application and state the reasons for such denial.

(4) For the following waters the discharge from a vessel of any sewage, whether treated or not, is completely prohibited pursuant to CWA section 312(f) (4) (B):

(i) Two portions of the Hudson River in New York State, the first is bounded by an east-west line through the most northern confluence of the Mohawk River which will be designated by the Troy-Waterford Bridge (126th Street Bridge) on the south and Lock 2 on the north, and the second of which

is bounded on the north by the southern end of Houghtaling Island and on the south by a line between the Village of Roseton on the western shore and Low Point on the eastern shore in the vicinity of Chelsea, as described in Items 2 and 3 of 6 NYCRR Part 858.4.

(ii) [Reserved]

§140.5 Analytical procedures.

In determining the composition and quality of effluent discharge from marine sanitation devices, the procedures contained in 40 CFR part 136, ``Guidelines Establishing Test Procedures for the Analysis of Pollutants,`` or subsequent revisions or amendments thereto, shall be employed.

(40 CFR 140)

Page 179-Paragraph 19, line 3; read: limits and regulations.)

No-Discharge Zone.—The State of California, with the approval of the Environmental Protection Agency, has established a No-Discharge Zone (NDZ) in San Diego Bay. The NDZ is comprised of the portion of San Diego Bay that is less than 30 feet deep at mean lower low water (MLLW), as determined from the most recent NOAA nautical chart.

Within the NDZ, discharge of sewage, whether treated or untreated, from all vessels is prohibited. Outside the NDZ, discharge of sewage is regulated by **40 CFR 140** (see Chapter 2).

(NOS/03; 40 CFR 140)

Page 183-Paragraph 96, line 22; read: Basin. The inner bay has depths of about 6 feet.

No-Discharge Zone.—The State of California, with the approval of the Environmental Protection Agency, has established a No-Discharge Zone (NDZ) in Mission Bay. It encompasses the entire by (see NOAA chart 18765 for the zone limits).

Within the NDZ, discharge of sewage, whether treated or untreated, from all vessels is prohibited. Outside

the NDZ, discharge of sewage is regulated by **40 CFR 140** (see Chapter 2).

(NOS/03; 40 CFR 140)

Page 184-Paragraph 116, line 14; read: and a light on the S side.

No-Discharge Zone.—The State of California, with the approval of the Environmental Protection Agency, has established a No-Discharge Zone (NDZ) in Oceanside Harbor. It encompasses the entire harbor (see NOAA chart 18758 for the zone limits).

Within the NDZ, discharge of sewage, whether treated or untreated, from all vessels is prohibited. Outside the NDZ, discharge of sewage is regulated by **40 CFR 140** (see Chapter 2).

(NOS/03; 40 CFR 140)

Page 186-Paragraph 140, line 2; read: **110.1 and 110.93**, chapter 2, for limits and regulations.)

No-Discharge Zone.—The State of California, with the approval of the Environmental Protection Agency, has established a No-Discharge Zone (NDZ) in Dana Point Harbor. It encompasses the entire harbor (see NOAA chart 18746 or 18774 for the zone limits).

Within the NDZ, discharge of sewage, whether treated or untreated, from all vessels is prohibited. Outside the NDZ, discharge of sewage is regulated by **40 CFR 140** (see Chapter 2).

(NOS/03; 40 CFR 140)

Page 201-Paragraph 508, line 4; read: berthing facilities for over 2,400 boats.

No-Discharge Zone.—The State of California, with the approval of the Environmental Protection Agency, has established a No-Discharge Zone (NDZ) in Channel Islands Harbor. It encompasses the entire harbor (see NOAA chart 18725 for the zone limits).

Within the NDZ, discharge of sewage, whether treated or untreated, from all vessels is prohibited. Outside the NDZ, discharge of sewage is regulated by **40 CFR 140** (see Chapter 2).

(NOS/03; 40 CFR 140)